

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. 10/690,125

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Title: METHOD FOR ACCESSING EMAIL
ATTACHMENTS FROM A MOBILE VEHICLE

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APPEAL BRIEF

Board of Patent Appeals and Interference
US Patent and Trademark Office
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

This Appeal Brief is being filed in support of Appellants' appeal of the rejections made in the Final Office Action dated June 1, 2007.

(i) Real Party in Interest

The real party in interest is the assignee of the applicant inventors who assigned all of their right, title and interest to General Motors Corporation, a Michigan corporation, having its principal place of business at 300 Renaissance Center, Detroit, Michigan 48265-3000.

(ii) Related Appeals and Interferences

There are no other appeals and/or interferences known to the Appellants, their assignee, and/or legal representatives that will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

(iii) Status of Claims

In the Final Office Action, claims 1-21 were listed as being rejected under 35 U.S.C. §102(e); however, the Office Action did not contain any discussion in this rejection of dependent claims 4, 5, 11, 12, 18, and 19. Rather, those claims were rejected under 35 U.S.C. §103(a). Thus, this Appeal Brief is written on the basis that only claims 1-3, 6-10, 13-17, 20, and 21 have been rejected under §102(e).

Accordingly, claims 1-3, 6-10, 13-17, 20, and 21 stand rejected under 35 U.S.C. §102(e) and claims 4, 5, 11, 12, 18, and 19 stand rejected under 35 U.S.C. §103(a). The application does not contain any other claims. The rejections of claims 1-21 is being appealed.

(iv) Status of Amendments

An amendment and associated comments were filed after the Notice of Appeal to address a 35 U.S.C. § 112 indefiniteness rejection. That amendment has been entered and the § 112 rejection has been withdrawn. The claims contained in the Appendix include this most recent amendment.

(v) Summary of Claimed Subject Matter

In accordance with 37 CFR 41.37(c)(1)(v), a concise explanation is provided below of subject matter defined in each of the independent claims involved in this appeal, with reference to the specification by page and line numbers and to the drawings by reference characters. Also in accordance with 37 CFR 41.37(c)(1)(v), for each dependent claim argued separately under the provisions of 37 CFR 41.37(c)(1)(vii), every means plus function as permitted by 35 U.S.C. 112, sixth paragraph, is identified and the structure, material, or acts described in the specification as corresponding to each claimed function is set forth with reference to the specification by page and line numbers, and to the drawings by reference characters.

Independent Claim 1 –

Independent claim 1 is directed to a method for accessing an email attachment from a mobile vehicle 110 (Fig. 2; Page 11, Lines 1-2). The method includes receiving an email attachment from a remote server (e.g., 164) at a vehicle telematics unit 120 (Fig. 2, Step 214; Page 12, Lines 23-25), determining at the vehicle a classification of the email attachment (Fig. 2, Step 216; Page 13, Lines 13-16), and routing the email attachment within the vehicle 110 based on the classification such that the email attachment is provided to a vehicle communication unit (e.g., 112, 114) enabled to present the content of the email attachment (Fig. 2, Step 218; Page 13, Lines 19-26).

Independent Claim 8 –

Independent claim 8 is directed to a computer readable medium 128 (Fig. 1; Page 4, lines 18-21) storing a computer program to receive email attachments at a vehicle 110 (Fig. 2; Page 2, Lines 9-10). The computer program comprises computer readable code for receiving an email attachment from a remote server (e.g., 164) at a vehicle telematics unit 120 (Fig. 2, Step 214; Page 12, Lines 23-25), computer readable code for determining at the vehicle 110 a classification of the email attachment (Fig. 2, Step 216; Page 13, Lines 13-16), computer readable code for routing the email attachment within the vehicle 110 based on the classification such that the email attachment is provided to a vehicle communication unit (e.g., 112, 114) enabled to present the content of the email attachment (Fig. 2, Step 218; Page 13, Lines 19-26).

Independent Claim 15 –

Independent claim 15 is directed to a system 100 for accessing an email attachment from a vehicle 110 (Fig. 2; Page 2, Lines 17-18). That system 100 includes a means 122/124/128 for receiving an email attachment from a remote server (e.g., 164) at a vehicle telematics unit 120 (Fig. 1; Page 4, lines 18-21; Fig. 2, Step 214; Page 12, Lines 23-25), means 122/128 for determining at the vehicle 110 a classification of the email attachment (Fig. 1; Page 4, lines 5-17; Fig. 2, Step 216; Page 13, Lines 13-16), and a means 120 for routing the email attachment within the vehicle based on the classification such that the email attachment is provided to a vehicle communication unit (e.g., 112, 114) enabled to present the content of the email attachment (Fig. 1; Page 5, lines 15-25; Fig. 2, Step 218; Page 13, Lines 19-26).

Although the Appellants have provided the summary of claimed subject matter with references to specific embodiments of the invention to comply with the requirements set forth in the relevant provisions of 37 C.F.R., this summary has been provided to aid the Board in evaluating the appeal and is not intended to limit the meaning or definition of any terms in the claims. Furthermore, it should be appreciated that the above-provided reference numerals and pages/line numbers are only for exemplary purposes, as other instances and/or embodiments of the claimed elements could appear elsewhere in the application.

(vi) Grounds of Rejection to be Reviewed on Appeal

The issues on appeal are as follows:

- 1) whether claims 1-3, 6-10, 13-17, 20, and 21 are unpatentable under 35 U.S.C. §102(e) as anticipated by Bastian (U.S. Patent Number 6,757,712); and
- 2) whether claims 4, 5, 11, 12, 18, and 19 are unpatentable under 35 U.S.C. §103(a) as being obvious over Bastian in view of Lazaridis et al. (U.S. Patent Number 6,219,694)

(vii) Argument**Rejections under §102(e) –**

Claims 1-3, 6-10, 13-17, 20, and 21 stand rejected under 35 U.S.C. §102(e) as being anticipated by Bastian. The Appellants respectfully traverse this rejection because Bastian fails to disclose each and every element of Appellants' claims.

1) Claim 1– Bastian Discloses Identifying an Email Attachment at a Base Station, Not at a Vehicle

Bastian is directed to permitting passengers on board an aircraft to send and receive electronic data to and from an electronic base station. To avoid the time and expense of transmitting large amounts of electronic data, Bastian teaches a system where data sent from the base station to the server is first analyzed to determine its structure, such as whether an email attachment exists. The base station then sends the email message along with only a brief description of the email attachment to the aircraft server for delivery to the passenger. Transmitting the brief description rather than the entire structure or attachment reduces the bandwidth required to transmit email from the ground to the aircraft. To implement his system, Bastian discloses a method called Intelligent Mail Management (IMM) for transferring mail between the base station and server. The IMM protocol analyzes email messages to identify the components of the messages. For instance, if an email includes a text message and two attachments, these attachments are identified to the server. But the attachments themselves are not sent from the base station to the server as it is impracticable to send large attachments via the slow communications links. Rather, the IMM method sends a summary of the email received at the base station from the passenger's mail server to the server on board the aircraft. If, after receiving the email and attachment summary, the passenger wishes to receive the attachment, they can do so for a fee.

Appellants' claim 1 is directed to a method for accessing an email attachment from a mobile vehicle. The method includes receiving an email attachment from a remote server at a vehicle telematics unit, determining at the vehicle a classification of the email attachment, and routing the email attachment within the vehicle based on the classification such that the email

attachment is provided to a vehicle communication unit enabled to present the content of the email attachment.

The Examiner has not provided a *prima facie* case of anticipation under 35 U.S.C. § 102(e) because the Examiner has not reasonably identified that the Bastian reference discloses each and every element of the invention specified in claim 1.

The Examiner argues that Bastian discloses determining at the vehicle the classification of the email attachment. He provides no further analysis but rather simply points to column 14, lines 19-51 for support. Appellants can find no reasonable rationale for this rejection. Bastian discloses identifying an email attachment at a base station and sending a summary of the email to the server. As discussed above, Bastian teaches identifying various components of an email message stating that:

If an email message includes a text message and two attachments, the first having a size of 4Mb and the second having a size of 6Mb, these components are identified to the server. It may, of course impracticable to send these very large attachments via the slow communications links. Thus, IMM simply sends a summary of the email received at the base station from the passenger's mail server to the server on board the aircraft.¹ (Emphasis Added)

Here, Bastian identifies email attachments not at the aircraft server, but at sometime before the email is sent from the base station to the server. Bastian identifies email attachments and generates summaries to send to the server in order not to overwhelm the slow communications links between the server and the base station and the server aboard an aircraft. In fact, it would frustrate Bastian's purpose of reducing the amount of data transmitted from the ground to the aircraft if email attachments were identified at the aircraft server. If Bastian identified attachments at the server, the attachments would have already been sent to the aircraft over the slow data connection; a situation Bastian attempts to avoid. Ultimately, the need to identify email attachments would no longer exist at the server. Conversely, Appellants' claim calls for determining at the vehicle a classification of the email attachment. Applicants' method envisions an email attachment delivered to the vehicle and classifying the attachment there.

¹ Bastian et al., U.S. Patent No. 6,757,712, col. 14, lines 40-47.

2) Claim 1– Bastian Fails to Disclose Classifying Emails

Additionally, the Examiner fails to demonstrate that Bastian discloses Appellants' step of determining a classification of the email attachment. Again, the Examiner provides no rationale for his rejection besides pointing to a section of Bastian.² This section, discussed above, contains language calling for analyzing email messages and identifying email components, such as attachments. Once the attachments are identified, instead of sending the attachments themselves, a summary of the email received from the passenger's mail server at the base station is sent to the server. But Appellants' claim language recites the classification of email attachments, not simply the identification of them. Classifying email attachments cannot be characterized as the identifying and summarizing that Bastian teaches. Rather, classification denotes separating email attachments into classes based on some attribute or property of the attachment, such as whether it includes audio, visual, picture, or text elements. For instance, Appellants disclose examples of these classes.

The telematics unit 120 has an internal lookup table that identifies the type of medium included in the attachment and determines whether the attachment is audio-only (sound or music), or whether there is also a visual element.³

At no point does the Examiner reasonably support the idea that Bastian teaches the classification of email attachments, as recited in claim 1.

3) Claim 1– Bastian Fails to Disclose Routing the Email Attachment Within the Vehicle Based on the Classification

Appellants' claim 1 includes a step for routing the email attachment within the vehicle based on the classification such that the email attachment is provided to a vehicle communication unit enabled to present the content of the email attachment.

The Examiner argues that Bastian discloses this step and provides no analysis but to cite a section of Bastian and say that Bastian discloses routing an email attachment.⁴ But the Examiner provides no reasonable support that an email attachment is routed within a vehicle

² Final Office Action, June 1, 2007, page 4, lines 6-8; see also, Bastian, col. 14, lines 33-51.

³ Patent Application, page 13, lines 13-16.

⁴ Final Office Action, page 4, lines 11-12.

based on the classification of the email attachment. The section the Examiner relies on is the same section discussed above involving identifying email attachments and generating summaries to send to the server in order not to overwhelm the slow communications links between the server and the base station. Nor does it matter that Bastian also teaches providing the attachment to the passenger for a fee. As noted at Column 14, lines 52-61 of Bastian, after obtaining information about the attachment, the user of the remote terminal within the aircraft is provided with the choice as to whether he wants the attachment. If the user does want the attachment, he pays a fee and obtains the attachment. But the email attachment is not routed to the user based on its classification; the email attachment is routed within the vehicle based on the user who requests it or to what seat the user is in or to what data port his or her device is connected. Accordingly, Bastian fails to disclose the elements of Appellants' claim.

While the above arguments have been addressed to claim 1, they are equally valid when applied to the rejection of independent claim 8 involving a computer readable medium and to rejection of independent claim 15 involving a system cast in means plus function language. Furthermore, claims 2-7, 9-14 and 16-21 each ultimately depend from one of these claims and should be allowed therewith.

Rejections under §103(a) –

Claims 4, 5, 11, 12, 18 and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bastian in view of Lazaridis et al. The Appellants respectfully traverse this rejection for at least the reason that the Examiner has not established a *prima facie* case of obviousness under 35 U.S.C. § 103(a).

Claims 4, 5, 11, 12, 18 and 19

Claims 4, 11, and 18 each involves the determining the classification of the email attachment which includes determining whether the file is an audio-only file and routing the attachment to one of an audio unit or display screen based on the determination. The Examiner admits that Bastian does not teach determining whether the file is an audio-only file and routing the attachment to one of an audio unit or display screen based on the determination. But the Examiner cites Lazaridis as teaching determining whether the file is an audio-only file and

routing the attachment to one of an audio unit or display screen based on the determination. The Examiner argues that it would be obvious to modify Bastian using Lazaridis because doing so would provide more effective and accurate delivery of data from a host system to a user's terminal.⁵

As noted in the response filed April 18, 2007, Lazaridis is directed to a system and method for pushing information from a host system to a mobile data communication device upon sensing a trigger event.⁶ In one embodiment, the host system is a desktop computer running a redirection program. The redirection program on the desktop receives messages from a server and determines whether the mobile device can receive the message based on message types pre-selected by the user or based on messages that the mobile device can process.⁷ If the mobile device cannot accept the type of message, the redirection program redirects the message from the desktop computer to a fax or voice number where the user is located.⁸ In another embodiment, the redirection program runs on a server.

First, as pointed out in Appellants' response filed April 18, 2007, Lazaridis does not teach determining a classification of an attachment at the a vehicle or mobile device, nor does it suggest doing so since one of the objectives of Lazaridis is avoid sending attachments to the mobile device that it cannot process and present to the user. Thus, even if combined, these two references do not teach or render obvious all of the subject matter of the independent claims. Further, the Examiner has not provided any proper basis for combining the references in any manner that renders the claims obvious. More specifically, the Examiner has not pointed to any teaching from either of the references whereby it would have been obvious to modify Bastian's system to route different attachments to different devices on the plane. If anything, it would appear that modifying Bastian's system according to the teachings of Lazaridis would result in a system involving redirection of messages at Bastian's base station rather than at the mobile devices (i.e., rather than at the aircraft).

⁵ Final Office Action, page 6, lines 14-16.

⁶ See abstract, Lazaridis et al., U.S. Patent No. 6,219,694.

⁷ Lazaridis, col. 7, lines 57-60 and col. 7, line 66-col. 8, line 2.

⁸ Lazaridis, col. 7, lines 60-65.

For at least these reasons and those articulated above in connection with the independent claims, Appellant respectfully traverse the rejection of claims 4, 11, and 18. Dependent claims 5, 12, and 19 depend from these claims, respectively, and should be allowed therewith.

Conclusion

In view of the foregoing, the Appellants request that the rejections of all claims be overturned and the claims be held allowable.

The Commissioner is authorized to charge any fees, or refund any overpayments, associated with this Appeal Brief to Deposit Account No. 07-0960.

Respectfully submitted,

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(viii) Claims Appendix

1. A method for accessing an email attachment from a mobile vehicle, the method comprising:
 - receiving an email attachment from a remote server at a vehicle telematics unit;
 - determining at the vehicle a classification of the email attachment; and
 - routing the email attachment within the vehicle based on the classification such that the email attachment is provided to a vehicle communication unit enabled to present the content of the email attachment.
2. The method of claim 1 further comprising receiving a notification signal at the telematics unit, and setting an internal software flag responsive to the notification signal.
3. The method of claim 2 wherein the internal software flag triggers receiving the email attachment at the mobile vehicle telematics unit.
4. The method of claim 1 wherein determining the classification of the email attachment comprises determining whether the file is an audio-only file and routing the attachment to one of a audio unit or display screen based on the determination.
5. The method of claim 4 further comprising setting a bit in a random access memory of the mobile vehicle telematics unit and thereby routing the email attachment to one of the audio unit or the display screen.
6. The method of claim 1 wherein the email attachment is temporarily stored in a random access memory within the telematics unit.
7. The method of claim 6 further comprising deleting the email attachment from the random access memory within the telematics unit after the email attachment has been routed to a vehicle communication unit.

8. A computer readable medium storing a computer program for a system to receive email attachments at a vehicle, comprising:

computer readable code for receiving an email attachment from a remote server at a vehicle telematics unit;

computer readable code for determining at the vehicle a classification of the email attachment;

computer readable code for routing the email attachment within the vehicle based on the classification such that the email attachment is provided to a vehicle communication unit enabled to present the content of the email attachment.

9. The computer readable medium of claim 8 further comprising computer readable code to receive a notification signal at the telematics unit, and set an internal software flag responsive to the notification signal.

10. The computer readable medium of claim 9 further comprising computer readable code for triggering receiving the email attachment at the vehicle telematics unit.

11. The computer readable medium of claim 8 further comprising computer readable code for determining whether the file is an audio-only file and routing the attachment to one of a audio unit or display screen based on the determination.

12. The computer readable medium of claim 11 further comprising computer readable code for setting a bit in the random access memory of the vehicle telematics unit and thereby routing the email attachment to one of the audio unit or the display screen.

13. The computer readable medium of claim 8 further comprising computer readable code for storing an email attachment temporarily in a random access memory within the vehicle telematics unit.

14. The computer readable medium of claim 13 further comprising computer readable code for deleting the email attachment from the random access memory within the telematics unit after the email attachment has been routed to a vehicle communication unit.

15. A system for accessing an email attachment from a vehicle, the system comprising:
means for receiving an email attachment from a remote server at a vehicle telematics unit;
means for determining at the vehicle a classification of the email attachment; and
means for routing the email attachment within the vehicle based on the classification such that the email attachment is provided to a vehicle communication unit enabled to present the content of the email attachment.

16. The system of claim 15 further comprising means for receiving a notification signal at the telematics unit, and setting an internal software flag responsive to the notification signal.

17. The system of claim 16 further comprising means for triggering receiving the email attachment at the vehicle telematics unit.

18. The system of claim 15 further comprising means for determining whether the email attachment file is an audio-only file and routing the attachment to one of a audio unit or display screen based on the determination.

19. The system of claim 18 further comprising means for setting a bit in the random access memory of the vehicle telematics unit and thereby routing the email attachment to one of the audio unit or the display screen.

20. The system of claim 15 further comprising means for temporarily storing the email attachment in a random access memory within the telematics unit.

21. The system of claim 20 further comprising means for deleting the email attachment from the random access memory within the telematics unit after the email attachment has been routed to a vehicle communication unit.

(ix) Evidence Appendix

None.

(x) Related Proceedings Appendix

None.